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W.P.(MD)NO.13560 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13560 of 2022 and
W.M.P.(MD)Nos.9647 to 9649 of 2022

R.Radhakrishnan

... Petitioner

Vs.

1. The District Collector,
Office of Dindigul District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Office of the Dindigul Revenue Divisional Officer,
Sub-Collector Office Campus,
Dindigul.
3. The Tahsildar,
Office of the Tahsildar of Nilakottai,
Nilakottai,
Dindigul District.
4. The District Registrar,
O/o.The Dindigul District Registrar,
Dindigul Collector Office Campus,
Dindigul.
5. The Sub Registrar,
O/o.The Sub Registrar,
Vathalagundu,
Nilakottai Taluk,
Dindigul District.



6. Dhanushkodi,

Tahsildar,

Office of the Tahsildar of Nilakottai,

Nilakottai,

Dindigul District.

7. Saranya,

Village Administrative Officer,

O/o.The Village Administrative Officer,

Viralippatti,

Nilakottai Taluk,

Dindigul District.

8. Nagasundaram,

Pirkha Surveyor,

Office of the Tahsildar of Nilakottai,

Nilakottai,

Dindigul District.

9. Subbuthai,

10.Seethammal

11.Premalatha

12.Indhumathi

13.Shiyamala

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the certificate issued by the Tahsildar, Nilakottai dated 24.05.2022 and sketch issued by the Tahsildar, Nilakottai viz., in Natham Patta No.2230 dated 13.05.2022, certificate dated 24.05.2022 and FMB dated 24.05.2022 and to quash the same and direct the respondents 1 to 5 to pass appropriate orders and directions in respect of the documents which were executed



based on the impugned certificates issued by the Tahsildar.

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For Petitioner : Mr.N.S.Karthikeyan

For R-1 to R-5 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

For R-9 to R-13 : Mr.K.Anandan

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 5 and the learned counsel appearing for respondents 9 to 13.

2. The petitioner's counsel gives up respondents 6 to 8 who are none other than the officials of local body. The housing plot in question was purchased by one Lakshmiammal in the year 1974. She passed away on 20.06.2007. She was blessed with four children. One of them was Thiru.Ramaraj, father of the writ petitioner. It is not in dispute that Lakshmiammal did not execute any settlement deed or Will.



Therefore, the said property devolved in equal shares on all the four children. While the private respondents would claim that there was oral partition, there is no material in support of the same. While so, the private respondents had approached the jurisdictional Tahsildar in the year 2022. The jurisdictional Tahsildar / third respondent herein issued joint patta in the names of the four children of Lakshmiammal.

3. It is relevant to mention here that out of them, two had already passed away including the father of the writ petitioner. Thereafter, the third respondent Tahsildar on his own had accepted the theory of oral partition canvassed by the private respondents and proceeded to effect partition of the property into four parcels. Ramaraj branch was not put on notice before the sub-division was made. Challenging the same, this writ petition came to be filed.

4. It appears that in the new patta issued by the third respondent sub-divisioning the property subsequent transaction had also taken place before the registering authority. However, only the proceedings of the revenue



authority are under challenge. I sustain the contention of the learned counsel appearing for the writ petitioner. The third respondent did not have the jurisdiction to accept the theory of oral partition pleaded by the contesting parties. Whether the oral partition had taken place or not is for the jurisdictional civil Court to decide. The revenue authority cannot usurp its jurisdiction. The third respondent had acted behind the petitioner's back. There has been a grave violation of the principles of natural justice.

5. On these twin grounds, the order impugned in this writ petition stands quashed. This writ petition stands allowed. It is for the petitioner to take appropriate action as regards the registered transactions that had taken place based on the impugned proceedings of the jurisdictional Tahsildar. No costs. Consequently, connected miscellaneous petitions are closed.

01.08.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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